



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of April 24, 2010

DATE: April 6, 2010

SUBJECT: Request to Advertise public hearings on a proposed amendment to the Arlington County Zoning Ordinance, Section 20. (Appendix A), "CP-FBC" Columbia Pike Form Based Code Districts, subsection III.B.2.E. The Regulating Plans, Rules for the Regulating Plan and New Development Plans, Buildings, to clarify the regulations for extending a Building Envelope Standard around a Block Corner.

C. M. RECOMMENDATION:

Adopt the attached resolution to authorize advertisement of public hearings by the Planning Commission on May 10, 2010, and the County Board on May 22, 2010, to consider amending, reenacting, and recodifying the Arlington County Zoning Ordinance, Section 20. (Appendix A), "CP-FBC" Columbia Pike Form Based Code Districts, subsection III. The Regulating Plans.

ISSUES: This is a request to advertise amendments to the Columbia Pike Special Revitalization District Form Based Code ("FBC" or "Code") to provide greater clarity to provisions permitting extension of a Building Envelope Standard (BES) around a Block Corner. No issues have been identified.

SUMMARY: The FBC establishes a Building Envelope Standard for all building sites within the Columbia Pike Special Revitalization District. The BES sets the basic parameters governing building construction, including height, depth and placement of buildings, as well as other required elements, such as balconies, stoops and street walls. There are four different BES used throughout the Columbia Pike Special Revitalization District, specifically designated on the Regulating Plan, each of which establish different parameters. In some cases a single development site may require development under more than one BES. In such cases, where the BES changes along a site, the FBC permits one Building Envelope Standard to be extended up to 50 feet in either direction. However, the FBC does not clearly indicate that a BES may also be extended where two BES meet at a corner. The proposed amendment would make this clarification, which is consistent with how staff has interpreted the regulation for Form Based Code projects.

County Manager: BMD/GA

County Attorney: CWNK SM

Staff: Deborah Albert, DCPHD, Planning Division

33. A.

PLA-5558

BACKGROUND: In March 2002, the Columbia Pike Initiative, A Revitalization Plan was adopted by the County Board. A major recommendation of this plan was to develop a new administrative review process to evaluate redevelopment proposals on Columbia Pike, which became the Columbia Pike Special Revitalization District Form Based Code. In February 2003, the County adopted the Code for the Town Center and Village Center development nodes. In February 2004, the Code was adopted for the Neighborhood Center and Western Gateway. From time to time, staff has initiated amendments to the Code in response to community concerns and input from advisory boards and commissions in order to clarify the intent of the Code, while facilitating the redevelopment of Columbia Pike in accordance with the overarching vision for the revitalization of the corridor.

DISCUSSION: The FBC establishes a Building Envelope Standard for all building sites within the Columbia Pike Revitalization District. The BES sets the basic parameters governing building construction, including height, depth and placement of buildings, as well as other required elements, such as balconies, stoops and street walls. The Building Envelope Standards establish different parameters for each of four different types, which hierarchically, in descending order, are Main Street, Avenue, Local and Neighborhood. The required BES for each location within the Special Revitalization District is designated on the Regulating Plan. In some cases a single property may require development under more than one BES. In those cases, the Form Based Code permits a property owner to extend either of the designated Building Envelope Standards up to a maximum distance of 50 feet. The FBC regulation permitting the 50-foot extension is stated as follows:

III.B.2.E. The Regulating Plans, Rules for the Regulating Plan and New Development Plans, Buildings: “When the building envelope standard designation changes along a property frontage, the property owner has the option of applying either building envelope standard (BES) for a maximum additional distance of 50 feet in either direction along that frontage.”

The above regulation does not specify whether the 50-foot extension of the BES may apply around block corners. In order to provide clarity, staff analyzed existing definitions in the Code, and found that there are defined terms that could be used in order to better articulate the 50-foot extension within the Code. Staff therefore proposes an amendment that incorporates the existing definitions into the regulation. The following table shows staff’s working interpretation along with an explanation of how the proposed amendment provides clarification. Existing defined terms are shown in CAPITAL LETTERS.

Working Interpretation	Proposed Amendment
If two frontage types join at a block corner, one BES may be extended around the corner frontage up to the maximum distance of 50 linear feet	<p>BLOCK CORNER is defined in the Code as follows: “This refers to the outside corner of a block at the intersection of any two streets. . .”</p> <p>Currently, the Code only references a “property frontage” and does not specifically reference a corner. By incorporating BLOCK CORNER into the regulation, it is clarified that the extension of the BES may also apply around a corner.</p>

Working Interpretation	Proposed Amendment
A Building Envelope Standard shall not be extended across any new or existing street.	<p>STREET FRONTAGE is defined in the Code as follows: “The [lot] line coincident with the RBL [Required Building Line] or that portion of the building that is coincident with the RBL as required by the Code.”</p> <p>The Code simply permits the BES to be extended along a property’s “frontage,” which is not a defined term. By alternatively incorporating STREET FRONTAGE into the text, it is clarified that the permitted extension of the BES may not be extended across a street (the STREET FRONTAGE definition works in conjunction with the RBL which, as shown on the Regulating Plans, does not extend across existing or planned streets).</p>
The extension of a BES frontage type must occur within the subject development site and may not occur on adjacent property.	The extension of the BES is currently permitted when the BES designation changes along “a property frontage.” The use of “within a development proposal” clarifies that the regulation applies only to the development site, and may not be extended to a property being developed as a separate project.

The proposed amendment would provide clarity to the Form Based Code provisions, without changing the intent nor implementing any change in policy.

Community Process: The proposed amendment was discussed with the Form Based Code Advisory Working Group at its January 20, 2010, meeting, and with the Zoning Committee of the Planning Commission at its February 4, 2010, meeting. No issues were raised by either group.

CONCLUSION: Staff recommends that the County Board authorize advertisement of public hearings at the Planning Commission on May 10, 2010, and the County Board on May 22, 2010, on the proposed amendment to consider amending, reenacting, and recodifying the Arlington County Zoning Ordinance provisions in Section 20. “CP-FBC” Columbia Pike Form Based Code Districts, subsection III.B.2.E. The Regulating Plans, Rules for the Regulating Plan and New Development Plans, Buildings, in order to clarify the regulations for extending a Building Envelope Standard around a Block Corner.

RESOLUTION TO AUTHORIZE THE ADVERTISEMENT OF PUBLIC HEARINGS TO CONSIDER AMENDING, REENACTING AND RECODIFYING THE ARLINGTON COUNTY ZONING ORDINANCE, SECTION 20. (APPENDIX A), “CP-FBC” COLUMBIA PIKE FORM BASED CODE DISTRICTS, SUBSECTION III.B.2.E. THE REGULATING PLANS, RULES FOR THE REGULATING PLAN AND NEW DEVELOPMENT PLANS, BUILDINGS, AT THE MAY 10, 2010, PLANNING COMMISSION AND MAY 22, 2010 COUNTY BOARD MEETINGS, IN ORDER TO CLARIFY THE REGULATIONS FOR EXTENDING A BUILDING ENVELOPE STANDARD AROUND A BLOCK CORNER AND; TO FACILITATE THE CREATION OF A CONVENIENT, ATTRACTIVE AND HARMONIOUS COMMUNITY; TO ENCOURAGE ECONOMIC DEVELOPMENT; AND FOR OTHER REASONS REQUIRED BY THE PUBLIC NECESSITY, CONVENIENCE AND GENERAL WELFARE, AND GOOD ZONING PRACTICE.

The County Board of Arlington County hereby resolves to advertise the following amendments to consider amending, reenacting and recodifying the Arlington County Zoning Ordinance provisions in Section 20. (Appendix A), “CP-FBC” Columbia Pike Form Based Code Districts, subsection III.B.2.E. The Regulating Plans, Rules for the Regulating Plan and New Development Plans, Buildings, for public hearings at the May 10, 2010, County Board and May 22, 2010 Planning Commission meetings to clarify the regulations for extending a Building Envelope Standard around a Block Corner; and to facilitate the creation of a convenient, attractive and harmonious community; to encourage economic development; and for other reasons required by the public necessity, convenience and general welfare, and good zoning practice:

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1 III. The Regulating Plans

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5 **B. Rules for the Regulating Plan and New Development Plans**

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9 **2. BUILDINGS**

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13 E. When the BUILDING ENVELOPE STANDARD designation changes along ~~the a property~~
14 ~~frontage~~ STREET FRONTAGE or at the BLOCK CORNER within a development proposal, the
15 ~~property owner applicant~~ applicant has the option of applying either BUILDING ENVELOPE
16 STANDARD (BES) for a maximum additional distance of 50 feet ~~in either direction~~ along that
17 ~~frontage~~ STREET FRONTAGE or around that BLOCK CORNER.